

### **REMARKS / DISCUSSION OF ISSUES**

Claims 8, 15, 20 and 21 are cancelled without prejudice; and claims 1, 2, 5 – 7, 9, 13, 14 and 16 – 19 are amended. The support for the claim amendments may be found in Applicants' specification, for example, at least at Fig. 6, page 10, lines 1 – 15, and page 9, lines 12-26. No new matter is added.

#### **35 U.S.C. 101**

Page 5, paragraph 6 of the Office Action notes that Claims 1, 14 and 17 were found to be deficient under 35 U.S.C. 101 and 112, second paragraph. Yet, page 13, paragraph 21 of the Office Action notes that Applicant's prior amendment successfully addressed the previously raised 35 U.S.C. 101 rejections. Accordingly, Applicant believes that there are no outstanding 35 U.S.C. 101 rejections in the Office Action of April 16, 2009.

#### **35 U.S.C. 112**

Under 35 U.S.C. 112, second paragraph, the Office rejects claims 1, 14 and 17, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

In the present response, claims 1, 14 and 17 are amended to obviate this rejection. No new matter is added. Withdrawal of the rejection of claims 1, 14 and 17 under 35 U.S.C. 112, second paragraph, is respectfully requested.

#### **35 U.S.C. 102**

Under 35 U.S.C. 102(a), the Office Action rejects claims 1 – 3, 5, 8 – 10, 12 – 14, 16, 17, 20 and 21 as being anticipated by the LexisNexis website printouts, hereinafter Lexis.

Applicants submit that for at least the following reasons, claims 1 – 3, 5, 9, 10, 12 – 14, 16 and 17 are patentable over Lexis.

Applicants' claim 1, in part, requires:

*“pre-defining a user-selectable quality factor in a recommender system that limits the number of iterations of a recommendation-generating process implemented in the recommender system.”*

Applicants submit that Lexis only provides pre-defined search criteria for database searching. For example, in Lexis, the Jurisdiction selection specifies which databases to be used (e.g., a criterion whether it is binding or persuasive) and therefore, such database selection is just one of the search criteria selected by the user. However, Lexis does not disclose any user-selectable quality factor that limits the number of iterations of a recommendation-generating process. Therefore, Lexis fails to disclose the above claimed feature.

In view of at least the foregoing, Applicants submit that claim 1 is patentable over Lexis.

Independent claim 14 similarly requires:

*“the quality factor limits the number of iterations of a recommendation-generating process implemented in the recommender system.”*

Also, independent claim 17 requires:

*“pre-defining a user-selectable quality factor in a recommender system that limits the number of iterations of a recommendation-generating process implemented in the recommender system.”*

Applicants essentially repeat the above arguments for claim 1, and apply them to claim 14 and 17, pointing out why Lexis fails to disclose the above claimed features. Therefore, claims 14 and 17 are patentable over Lexis.

Claims 2, 3, 5, 9, 10, 12, 13 and 16 respectively depend from claims 1, 14 and 17, and inherit all of the respective features of claims 1, 14 and 17. Thus, claims 2, 3, 5, 9, 10, 12, 13 and 16 are patentable for at least the same reasons discussed above with respect to each independent claim, from which they depend, with each dependent claim containing further distinguishing patentable features. Claims 8, 20 and 21 are cancelled.

Withdrawal of the rejection of claims 1 – 3, 5, 8 – 10, 12 – 14, 16, 17, 20 and 21 under 35 U.S.C. 102(a) is respectfully requested.

**35 U.S.C. 103**

Under 35 U.S.C. 103(a), the Office Action rejects claims 6, 7, 18 and 19 over Lexis in view of Shaw ("Inventing the 'Paper' of Figure...Newspapers and the Future: First of Two Part. Next: Fax, phones, fear and the future." Los Angeles Times. June 2, 1991. Pages 1 – 8, hereinafter Shaw); and claims 4 and 11 over Lexis in view of Official Notice.

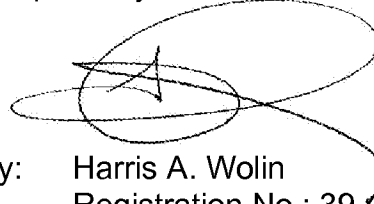
Applicants submit that neither Shaw nor Official Notice can cure the defects present in Lexis as discussed above with respect to claims 1 and 17. Applicant further respectfully traverses and rejects the basis for the assertion of Official Notice and as being unsupported by the record. Claims 4, 6, 7, 11, 18 and 19 respectively depend from claims 1 and 17, and inherit all of the respective features of claims 1 and 17. Thus, claims 4, 6, 7, 11, 18 and 19 are patentable for at least the same reasons discussed above with respect to each independent claim, from which they depend, with each dependent claim containing further distinguishing patentable features.

Withdrawal of the rejection of claims 4, 6, 7, 11, 18 and 19 under 35 U.S.C. 103(a) is respectfully requested.

**Conclusion**

In view of the foregoing, Applicants respectfully request that the Examiner withdraw the objection(s) and/or rejection(s) of record, allow all the pending claims, and find the application in condition for allowance. If any points remain in issue that may best be resolved through a personal or telephonic interview, the Examiner is respectfully requested to contact the undersigned at the telephone number listed below.

Respectfully submitted,

A handwritten signature in black ink, appearing to be 'Harris A. Wolin', enclosed within a large, loopy oval shape.

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